

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-53 are pending in the present Application. Claims 1-5, 9, 10 and 15-52 have been withdrawn from consideration. Claims 11-14 are canceled without prejudice or disclaimer. Claim 53 is new and recites the limitations of Claim 6 in non-means-plus-function language. Claims 6-8 have been amended. Support for the amendment of Claims 6-8 can be found at least on page 108, lines 8-13. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 11-14 stand rejection under 35 U.S.C. § 112 as lacking antecedent basis; Claims 6-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Tatebayashi et al. (U.S. Patent No. 6,182,215, hereinafter Tatebayashi); Claims 11, 13 and 14 stand rejected under 35 U.S.C. § 102 as being anticipated by Holmes et al. (U.S. Patent No. 6,119,108, hereinafter Holmes); and Claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Holmes in view of Tatebayashi.

As Applicants have canceled Claims 11-14, the rejections to these claims has been rendered moot.

### REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 6-8 under 35 U.S.C. § 102 as being anticipated by Tatebayashi et al. (U.S. Patent No. 6,182,215, hereinafter Tatebayashi). The Official Action states that Tatebayashi discloses all of the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 6 recites, *inter alia*, an information processing apparatus, including:

receiving means for receiving a key category from said another information processing apparatus . . .

key creation means for establishing a common key shared with said another processing apparatus based on the key category.

By way of background, copy protection systems are provided to preclude the copying of original content. For example, copy protection systems may preclude all together, or, limit copying to a certain number of instances. However, in such systems, original content can sometimes be manipulated to be repeatedly duplicated to acquire plural second-generation copies of original content data, thus, circumventing copyright laws. In order to combat such illegal copying, there must exist a mutual authentication from content servers and portable devices. However, if such authentication is based on hardware, hardware must be replaced to update the authentication algorithm. Likewise, if the authentication is software-based, the software may be analyzed and modified to circumvent the protection.<sup>1</sup>

In light of at least the above deficiency in the art, the present invention is provided. With this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Tatebayashi describes a system in which authentication is performed between a verifier device and a claimant device. The verifier (101) and the claimant (104) communicate via a AV bus (107).<sup>2</sup> As shown more specifically in Fig. 6, tables are prepared in which authentication protocols are listed relative to processing speeds of a verifier and claimant device. In this way, an authentication protocol can be selected in accordance with the optimum combination of processing speed and authentication relative to a verifier and claimant device.

Conversely, Applicants invention is directed toward a reciprocal authentication processing in which a common key is shared between two devices in accordance with a key

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<sup>1</sup> Application at pages 1-2.

<sup>2</sup> Tatebayashi at Fig. 1; column 8, lines 15-20.

source category. As shown more specifically in Figs. 38 and 39 of Applicants' specification, a portable device (6) negotiates with a second device via a reciprocal authentication processing in which a key category number (G) is utilized to generate a transient key (Ks).<sup>3</sup> In this manner, a more secure authentication processing is configured to prevent unauthorized copying. Tatebayashi does not disclose or suggest reciprocal authentication including receiving a key category number from another information processing apparatus or generating a common key in accordance with the key category number.

Accordingly, Applicants respectfully request that the rejection of Claims 6-8 under 35 U.S.C. § 102 be withdrawn.

#### NEW CLAIM

New Claim 53 recites substantially similar limitations to those discussed above, and is provided for presenting the Applicants' invention in a format which does not invoke 35 U.S.C. § 112, sixth paragraph (means-plus-function format). Accordingly, Applicants submit that new Claim 53 is likewise allowable.

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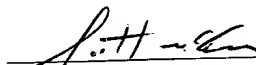
<sup>3</sup> Application at pages 108-110.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 6-8 and 53, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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